

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of	)	
	)	
Amendment of the Amateur Service Rules	)	WT Docket No. 12-283
Governing Qualifying Examination Systems and	)	
Other Matters	)	
	)	
Amendment of Part 97 of the Commission's	)	RM-11629
Amateur Service Rules to Give Permanent Credit	)	
for Examination Elements Passed	)	
	)	
Amendment of Part 97 of the Commission's Rules	)	RM-11625
to Facilitate Use in the Amateur Radio Service of	)	
Single Slot Time Division Multiple Access	)	
Telephony and Data Emissions	)	
	)	
Request for Temporary Waiver	)	
	)	
Amendment of the Amateur Service Rules	)	WT Docket No. 09-209
Governing Vanity and Club Station Call Signs	)	

TO: The Commission

**COMMENTS ON THE NOTICE OF PROPOSED RULE MAKING AND ORDER  
ADOPTED OCTOBER 1, 2012**

**Filed: October 24, 2012**

**EASIER TO REENTER**

1. In the Notice of Proposed Rule Making (Notice) at *paragraph 7* our regulator states it believes that requiring our VEs to give examination credit to an applicant who can demonstrate that he or she formerly held a particular class of license will encourage former amateur operators to become involved again in the technical self-training and public service communications opportunities provided by the amateur service. Our regulator proposes amendments that would instruct our VEs to give examination credit for holding any FCC-issued amateur service license document regardless of when it was issued (the FCC came into being in 1934) or when it expired. The likelihood of any significant involvement resulting from giving this group a pass on the examinations is very small. There are three reasons for this observation: 1. They had licenses but did not renew them; 2. They had a generous grace period but did not renew them; 3. They had and still have the opportunity to obtain new licenses, but have not done so. While adopting the amendment may cause some short-term influx of ex-licensees, the long-term effect would probably be a lowering of the number of grants showing on the ULS because the motivation for timely renewals for everyone would be diminished.

2. Our regulator agrees that just because an individual allowed his or her license to expire more than two years ago does not necessarily mean that the person no longer possesses adequate knowledge of the subject. *Read Notice paragraph 5.* It is likewise true that an individual who timely renews his or her license does not necessarily mean that the person still possesses adequate knowledge of the subject. The prudent practice, therefore, would be for everyone seeking either a new or renewed license grant to establish their qualifications at the initial licensure and at each re-licensure. Anyone rightly qualified for an amateur operator license grant should have no trouble passing our VEs' examination. But retesting everyone at renewal would be a massive undertaking and not the job for which our examiners

volunteered. We are mindful, moreover, that our regulator has put us on notice that it believes the public interest will be served by making it easier for new and former amateur service licensees to enter or reenter the amateur service. *Read Notice paragraph 30.* Total retesting, therefore, does not appear to be an acceptable option. Testing, however, is not the only or easiest way to establish the applicant's qualifications. For instance, one practical solution could be to replace the written examinations with a self-certification procedure. For a template, look at the certification on Form 605 for radio frequency radiation safety. If that is a sufficient procedure for a matter as vital as safety to one's self, family, neighbors and the general public, surely it must be a sufficient replacement for our VEs' memory examinations. Just require all applicants to file either on-line or by postal mail, checking the statement:

☐ ***I certify that I have read the applicable rules of 47 CFR Parts 0, 1, 2, 17, 97 and 214 as of this date; that I understand the necessary good amateur and good engineering practices for this class of operator license, and that I possess sufficient technical knowledge to make those rules and practices meaningful.***

### KNOWLEDGE RETENTION

3. Comment was requested on whether it is reasonable to assume that a person who did not renew his or her license has retained the requisite knowledge, and whether this assumption is reasonable regardless of the passage of time – *i.e.*, should there be a limit on how long an applicant should receive element credit for an expired license. *Read Notice paragraph 8.* No, that is not a reasonable assumption because – even if the person did retain wholly the old knowledge – the examination questions have been changed frequently to keep current with progress. Until our VECs took over responsibility for maintaining the question pools in the late-1980s, the written examinations were primarily to assure that homebuilt apparatus was reasonably comparable to that manufactured commercially, particularly with respect to causing interference. Now, much – if not most – amateur station apparatus at FCC-licensed stations is imported from abroad. Contemporary examinations must be such as to prove only that the examinee possesses the operational and technical qualifications required to perform properly the duties of an amateur service licensee. To keep the question pools current, therefore, our VECs revise them on a four-year cycle and also tweak them as necessary to keep up with rule amendments.

### FORGERY

4. Comment was requested on whether any particular documentation or safeguard should be required in order to prevent anyone from fraudulently obtaining a new license using the expired license of a different person with the same name. *Read Notice paragraph 7.* Of course safeguards should be required. Otherwise licenses could be granted on the basis of scamming our VEs with forged documents. Verification as to whom the FCC has granted licenses in the past can only come from the FCC's own records. Cost projections for providing such services, therefore, must come from the FCC. Under the certification procedure suggested in paragraph 2 above, however, such would not be an issue. Otherwise, the FCC should make available to our VEs samples of the various license documents that it issued between 1934 and 2001 for their reference in their credit-giving task. The FCC should also add to the element credit schedule proposed in Section 97.505 operator license classes A, B, Conditional and any other such nomenclature it has used in the past.

### EASIER TO ENTER

5. Our regulator proposes further to eliminate Section 97.505(b) which says that *no examination credit, except as herein provided, shall be allowed on the basis of holding or having held any other license grant or document.* This proposal was not discussed in the Notice but was included in the appendix at paragraph 6. Such an amendment could further achieve our regulator's stated notion of better serving the public interest. Its adoption would open the door for our regulator to instruct our VEs to give credit for foreign licenses, educational diplomas, training certificates, military service, etc.

EMISSION TYPE FXD

6. In the Notice at *paragraph 28*, comment is requested on a proposal to allow emission type FXD as a data emission. Of course such should be allowed but only if our Amateur Auxiliary volunteer maintenance monitors have the capability of determining from their activity whether or not such radio communications are consistent with the statutory purpose of our radio service as set forth by our United States Congress, the International Telecommunications Union, and the Federal Communications Commission. *Read SEC. 3. [47 USC 153](2) of the Communications Act, No. 1.56 of the international Radio Regulations (RR) and the United States Code of Federal Regulations Title 47 Section 2.1(c) and Section 97.3(a)(4).*

***A radiocommunication service for the purpose of self-training, intercommunication and technical investigations carried out by amateurs, that is, duly authorized persons interested in radio technique solely with a personal aim and without pecuniary interest.***

Otherwise, our amateur service would be without protection against interlopers, pirates, scofflaws, and those who would usurp our radio spectrum. Perhaps there should be an authorization for amateur stations to transmit any emission type for which our Amateur Auxiliary has announced that it has the capability to monitor.

Respectfully submitted,

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